

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39081 of 2015

Arising Out of PS.Case No. -216 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

1. Chandra Shekhar Prasad S/o Sheo Shankar Prasad R/o Village Bara Chakiya, Shahebganj Road, Shanti Nagar, P.S. Chakiya, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kavita Devi W/o Chandra Shekhar Prasad D/o Chandra Shekhar Sah R/o Village Jamla, P.S. Muffasil Motihari, District East Champaran.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
For the Opposite Party/s : Mr. Kr. Ranjit Ranjan(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-08-2015 Petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code.

The basic accusation is of torture.

On instructions, it is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and birth of child but complainant refused to stay with the petitioner in Maintenance Case No. 50 of 2015 but still the petitioner is ready to keep the complainant as wife with dignity and honour. A statement to that effect has been made in para 9 of the petition. The relevant portion of

which reads as follows:-

“.....in spite of that
the petitioner is ready to keep her with full owner
and dignity”

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for one year, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Motihari, East Champaran in connection with Complaint Case No. 216-C of 2015.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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